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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,417	04/25/2001	Rogers C. Ritter	5236-000227	7860
7590	03/02/2009		EXAMINER	
Bryan K. Wheelock Harness, Dickey & Pierce, P.L.C. Suite 400 7700 Bonhomme St. Louis, MO 63105			CASLER, BRIAN L	
			ART UNIT	PAPER NUMBER
			3737	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROGERS C. RITTER,
JEFFREY M. GARIBALDI, CHARLES WOLFERSBERGER,
FRANCIS M. CREIGHTON, PETER R. WERP,
BEVIL J. HOGG and WALTER M. BLUME

Application No. 09/842,417
Technology Center 3700

Mailed: March 2, 2009

Before PAMELA S. BENNETT, *Review Team Paralegal.*
BENNETT, *Review Team Paralegal.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on February 18, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on February 3, 2009. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and § 1208, part II, of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 6, September 2007).

CONCLUSION

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to consider the Reply Brief filed February 3, 2009 as indicated above; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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